

MATTER OF GONZALEZ-BECERRA

In Exclusion Proceedings

A-17922952

Decided by Board September 30, 1969

Appellant, who presented a labor certification issued by the Department of Labor on the basis of a represented wage of \$1.50 per hour whereas, in fact, the actual agreed wage was \$3.00 per hour, is excludable under section 212(a) (14) of the Immigration and Nationality Act, as amended, for lack of a valid labor certification since at the higher wage rate domestic workers would have been available and the certification would not have been issued.

EXCLUDABLE: Act of 1952—Section 212(a) (14) [8 U.S.C. 1182]—Immigrant entering to perform skilled or unskilled labor
—no valid labor certification.

This case is before us on appeal from the special inquiry officer's decision of May 26, 1969, directing that the appellant be excluded and deported from the United States, on the ground set forth above. The appeal will be dismissed.

The record relates to a male alien, a native and citizen of Mexico, approximately 38 years of age, who is unmarried but who has resided with a woman in Mexico for several years by whom he has sired six children. He arrived at the port of San Luis, Arizona, coming from San Luis, Sonora, Mexico, on September 20, 1968. He applied for admission as a special immigrant, born in an independent country of the Western Hemisphere. He was in possession of an immigrant visa issued to him on September 4, 1968. Attached thereto was a labor certification issued by a lawful representative of the United States Secretary of Labor, certifying him for employment as an animal skinner for a company known as Western Commodities, Yuma, Arizona.

As pointed out by the special inquiry officer, an alien such as the appellant is required by section 212(a) (14) of the Immigration and Nationality Act (8 U.S.C. 1182) to present a valid certification by the Secretary of Labor in connection with his desire to